IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application No.2334 of 2006

in

Writ Petition No.2232 of 2004

Amichand Amratlal Shah ...Applicant.

vs

Bank of India and & Ors. ...Respondents

Mr. Gaurav Joshi with Mr Gaurav Kothari i/b Shri S.J. Khera for the Applicant.

Mr. Shekhar Shetye with Ms Swati Deshpande i/b M/s Boodhanwala and Co for respondent No.1.

CORAM: H.L.GOKHALE, Acg C.J. & V.M.KANADE J.

DATE: JANUARY 23, 2007.

P.C.:-

Heard Mr. Joshi in support of the civil application. Mr. Shetye appears for respondent No.1 Bank. This civil application prays that the order dated 21st August 2006 passed by the Division Bench be recalled and the Writ Petition No. 2232 of 2004, which was dismissed by that order, be restored.

2. Mr. Shetye, learned counsel for the bank opposed the restoration of the petition. He pointed out that the petitioner was dismissed once and thereafter it was restored. This is a second restoration application. Mr. Shetye submits that the applicant took extremely technical stand before the Tribunal and now when their petition is dismissed, they want this court to take lenient view and restore the petition.

3. We quite see merit in the submission of Mr. Shetye. Even then with a view not to cause any prejudice to the petitioner, we allow this civil application subject to payment of costs quantified at Rs.10,000/-.

Civil Application is allowed. Petition is restored to file.

ACTING CHIEF JUSTICE

V.M.KANADE, J.